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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,557	03/25/2004	Bruno Baraggioli	101287-18	7931
27387	7590	03/31/2005		EXAMINER
NORRIS, MC LAUGHLIN & MARCUS, P.A. 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			TRUONG, THANH K	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/809,557	BARAGGIOLI, BRUNO
Examiner	Art Unit	
Thanh K Truong	3721	

*– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

THE MAILING DATE OF THIS COMMUNICATION IS [REDACTED].

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 March 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-13 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 25 March 2004 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the annular rail that is conformed by sections connectable to each other (claim 12) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The abstract of the disclosure is objected to because it is not complied with the 37 CFR 1.72(b). Correction is required. See MPEP § 608.01(b).
3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "for example" (lines 5-6) renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The recitation "an electronic operation control unit on of the machine remotely commanded" in claim 1, lines 11-12, is indefinite, because it is unclear whether the control unit is on the machine or remotely located elsewhere away from the machine?

The phrase "characterized because" (claims 2-13) is vague and indefinite, because it is unclear what the Applicant is referring to?

The phrase "a sliding way" in claim 10 is vague and indefinite, because it is unclear that whether the wheels 27 are rolling or sliding on the rail 4.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (4,067,174) in view of Bassett, Jr. (6,651,775).

Goldstein discloses an apparatus comprising: a self-propelled cart (12) that turns around a set of objects on a platform to be wrapped with laminar material, including a chassis (12) where the elevating member 14 of a coil of laminar material (44) and a coil-carry support (42) are mounted, an electronic operation control unit (64) and a remote control unit 68.

Goldstein discloses the claimed invention, but does not disclose that the elevating member is a scissors mechanism type.

Bassett discloses (figures 1-3) an apparatus comprising an elevating member that is a scissors mechanism type. Bassett's scissors-type elevating member providing an effective mechanism that is able to raise to a predetermined height and yet occupies less space when it retracted. The scissors-type elevating member also provides a elevating mechanism that is not slipping when it is raised up or lowered down.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Goldstein's apparatus by incorporating the scissors-type elevating member as taught by Bassett to provide an effective, compact and non-slipping elevating member to carry the coil of laminar material.

The modified reference of Goldstein (with Bassett) further discloses: the scissors mechanism is formed by a plurality of articulated to each other arms (18 - Bassett, figures 1-3) and the superior arm (18b) and first lower arm (18a) of the scissors type mechanism is movably fixed to the chassis of the cart (as in claim 2); driving motor (22 - Bassett, figure 2) and an endless screw (24) and a screwing dice (26) fixed to a lower end portion of the first lower arm (Bassett - figures 1 & 2 show screwing dice 26 is fixed to a member that is fixed to the end portion of first lower arm 18a) (as in claim 3); a lower end-track switch and upper end-track switch (30a, 30b - Bassett, figure 4, column 4, lines 10-17) are operatively connected to the scissors mechanism (as in claims 4 & 5); the cart (12 - Goldstein, figures 2-3) is mounted on an annular rail that delimits a circular surface (as in claim 10); a pair of wheels for assembly the cart with the annular rail and at least one drive wheel connected to a drive motor (18, 20, 22, 24 - Goldstein,

figures 1, 4, 7 and 8, column 3, lines 12-20) (as in claim 11); and batteries (30) are arranged in the cart for providing electrical energy to the operation of the unit (as in claim 13).

Regarding to claim 12, Goldstein does not expressly disclose that the annular rail is conformed by sections connectable to each other. However, the examiner takes official notice that it is within the skill in the art to make the rail from sections connectable to each other providing rail that is simple to pack and to assemble. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have made the rail that is conformed by sections connectable to each other to provide an easy way to pack and to assemble the rail together.

8. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (4,067,174) in view of Bassett, Jr. (6,651,775).

As discussed above in paragraph 7 of this office action, the modified reference of Goldstein discloses the claimed invention, but does not expressly disclose an optical sensor to detect the upper end portion of the pallet, and a stop security sensor as recited in claims 6-9.

The examiner takes official notice that is well known to use sensors to detect object and in turn to control the operation of a machine providing more efficient, safty and automation to the operation of a machine. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to

have utilized sensors, as recited in claims 6-9, to detect and to control the wrapping machine providing automation, safety and efficiency to the operation.

**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K Truong whose telephone number is (571) 272-4472. The examiner can normally be reached on Mon-Thurs from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rinaldi I. Rada  
Supervisory Patent Examiner  
Group C760

Tkt  
March 16, 2005.